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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

FEDERAL TRADE COMMISSION, STATE OF ARIZONA, STATE OF CALIFORNIA, DISTRICT OF COLUMBIA, STATE OF ILLINOIS, STATE OF MARYLAND, STATE OF NEVADA, STATE OF NEW MEXICO, STATE OF OREGON, and STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**DEFENDANTS' SUPPLEMENTAL
RESPONSE TO PLAINTIFFS' REQUEST
TO SUBMIT POST-HEARING
EXHIBITS**

REDACTED

On September 27, 2024, the parties submitted briefing on Plaintiffs' request to admit into evidence 114 disputed post-hearing exhibits. *See* Dkts. 484, 486. That same day, the parties filed their proposed findings of fact and conclusions of law. *See* Dkts. 480–81. Plaintiffs identified the list of disputed post-hearing exhibits in their briefing on the post-hearing exhibits, *see* Dkt. 482-2; however, Plaintiffs' proposed findings of fact and conclusions of law did not identify which exhibits were admitted into evidence during the hearing and which exhibits Plaintiffs seek to admit through the post-hearing exhibit process. Accordingly, to aid the Court's review of this issue, attached as **Exhibit A** is a version of Plaintiffs' proposed findings of fact and conclusions of law that highlights in blue the citations and corresponding factual assertions which cite, in whole or in part, to the disputed post-hearing exhibits.¹

DATED: October 7, 2024

Respectfully submitted:

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¹ Plaintiffs' filing included numerous yellow highlights related to confidentiality. For ease of reference, Defendants have removed that highlighting. Defendants have filed Exhibit A under seal, pursuant to Dkt. 331, and consistent with Plaintiffs' filing of this same document under seal.

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